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C O N F I D E N T I A L SECTION 01 OF 02 HARARE 002035

SIPDIS

AF/S FOR BNEULING
NSC FOR SENIOR AFRICA DIRECTOR C. COURVILLE, D. TEITELBAUM
PARIS FOR C. NEARY

E.O. 12958: DECL: 12/31/2009

TAGS: PGOV PHUM ZI MDC

SUBJECT: COMMISSION APPOINTED TO RUN HARARE

REF: HARARE 680 AND PREVIOUS

Classified By: Ambassador Christopher W. Dell under Section 1.5 b/d

¶11. (C) SUMMARY: In a clear--and possibly illegal--power grab, the GOZ appointed a commission December 9 to run the City of Harare, replacing the Harare City Council. The opposition Movement for Democratic Change (MDC) had dominated the Council until earlier this year when the GOZ engineered the dismissal of 19 MDC councilors and the remaining 16 MDC councilors subsequently resigned. The MDC does not plan to fight the commission's establishment, but the Chairman of the Combined Harare Residents Association (CHRA) told us his organization would mount a court challenge, though with little hope of success. END SUMMARY.

¶12. (SBU) On December 9, the Minister of Local Government, Ignatius Chombo, appointed an eight-member commission to run the city of Harare. Acting Mayor Sekesayi Makwavarara, who was elected to the Council as a member of the opposition Movement for Democratic Change (MDC) but later switched to ZANU-PF, is to lead the commission. Chombo appointed the remaining members of the commission from the private sector; all have government ties. The eight ZANU-PF members of the city council will continue to work with the commission, but their exact role is unclear. The commission is to run the city for the next 24 months. Chombo gave no rationale for the specific time period, which exceeds the six month maximum a commission may run any city according to the Urban Councils Act, but he had previously stated that council elections would be held again in June 2006.

¶13. (SBU) Harare City Council has not had a quorum for months. Chombo fired MDC Mayor Elias Mudzuri in April on specious grounds, ostensibly for abuse of power and failure to cooperate with the GOZ (reftel). Following that, Chombo dismissed 19 MDC councilors for ineffectiveness and failure to work in the interests of their constituents. In August, the remaining 16 MDC councilors resigned to protest the Ministry's interference with council operations and the lack of a legally required mayoral election within 90 days after Mudzuri's dismissal. Throughout the year, the state-run Herald newspaper has run numerous articles berating the Council for its dwindling services and corruption and setting the stage for establishment of the commission. MDC Director of Presidential Affairs, Gandhi Mudzingwa, told Poloff December 13 that the MDC did not plan any action and would not issue a statement regarding the formation of the commission.

¶14. (C) On December 13, CHRA chairperson Mike Davies told Poloff that the organization planned to challenge the legality of the commission. CHRA believes certain aspects of the commission are illegal under the Urban Councils Act: ZANU-PF city council members should not be allowed to retain their positions once the commission is constituted, and the commission can govern the city no more than six months, a provision of the Urban Councils Act upheld by the courts in a CHRA challenge to an earlier commission. Davies said he did not have much hope for a positive outcome on these two challenges. Even if the courts ruled in CHRA's favor, Chombo would likely ignore the rulings. Davies said CHRA also had a pending suit challenging the failure of the Ministry to hold an election to replace former mayor Mudzuri.

However, CHRA's lawyers had advised him that the appointment of the commission obviated the need for a mayoral election and the suit was likely to die. Davies said CHRA was pressing the suits to "maintain the moral high ground" and that the situation in Harare was not likely to improve until the national crisis was resolved and new legislation passed. Under the Urban Councils Act the Minister of Local Government could "do as he pleases" regardless of specific provisions in the remainder of the Act.

¶15. (C) COMMENT: The MDC counts on its urban base, and its control of the majority of Zimbabwe's city councils and mayorships had been viewed as an opportunity to exert executive authority and show people it can deliver goods and services. All of these local governments, however, have faced harassment and obstruction by the local ZANU-PF structures and the Ministry of Local Government, whose highest priority appears to be assuring that MDC local

municipal authorities are seen to fail. The Harare City Council is the most prominent of the local governments won by the MDC but the party has been unable or unwilling to commit significant resources or decisive pressure in defense of the Council or Mayor Mudzuri, a strong personality who has had differences with many in the MDC leadership. The MDC has also failed to creatively counter the GOZ's pressure and effectively protect the other local governments it has controlled. Instead, the MDC has allowed itself to be fully absorbed by election contests, parliamentary politics and other nationally-oriented efforts--strategies that have left once promising municipal authorities to slowly wither.

DELL